

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. MC-F-21012 TA

CUSA CSS, LLC D/B/A CREW SHUTTLE SERVICES–ACQUISITION OF
ASSETS AND BUSINESS OPERATIONS–CREW SHUTTLE SERVICE, INC.

Decided: May 16, 2005

On May 2, 2005, CUSA CSS, LLC d/b/a Crew Shuttle Services (CUSA CSS or applicant) (a regulated passenger carrier), wholly owned by CUSA, LLC,¹ applied for interim approval under 49 U.S.C. 14303(i) and the Board's regulations at 49 CFR 1182.7 to permit applicant to acquire control of and operate certain assets of Crew Shuttle Service, Inc. (Crew or seller), a motor passenger carrier. Applicant seeks interim approval pending a decision on a concurrently filed application for permanent approval of the transaction.

According to applicant, Crew, which specializes in providing time-sensitive transportation of railroad crews throughout the Pacific Northwest, has contracted out its critical dispatch service to an independent third party provider, STI Communications (STI). Applicant states that STI recently sold its business to an out-of-state company that will not be able to provide dispatch services to the seller. Instead of having to set up a new, but temporary dispatch center until the transfer to applicant has been completed, seller has agreed to permit an affiliate of applicant to assume the dispatching function in the interim, provided that the sale of Crew's assets and business to applicant is completed as soon as possible after May 1, 2005. A grant of interim approval will allow CUSA CSS to utilize the assets being acquired to provide bus service to passengers of Crew as of closing and well before final Board action on the application. This will enable passenger service to continue while applicant's concurrently filed application for permanent approval is pending.

Under 49 U.S.C. 14303(i), and 49 CFR 1182.7(b), the Board finds that applicant has demonstrated that failure to grant interim approval of the proposed finance transaction may result in destruction of or injury to the properties being acquired or substantially interfere with their future usefulness in providing adequate and continuous service to the public.

¹ CUSA, LLC is a noncarrier that also owns other federally regulated and non-federally regulated motor carriers. CUSA, LLC is, in turn, wholly owned by noncarrier KBUS Holdings, LLC.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Applicant is authorized on an interim basis to acquire control and operate certain assets of seller under 49 U.S.C. 14303(i) and 49 CFR 1182.7. The application for permanent authority will be considered in a separate decision.

2. This decision is effective on its service date.

3. A copy of this decision will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 400 7th Street, S.W., Room 8214, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, S.W., Washington, DC 20590.

By the Board, Chairman Nober, Vice Chairman Buttrey, Commissioner Mulvey.

Vernon A. Williams
Secretary